



Attorney's Docket No. I0277/7007 (HK)

Applicant or Patentee: Martha K. Newell, et al.

Serial or Patent No.: 09/470,494

Filed or Issued: December 22, 1999

For: USE OF CD40 ENGAGEMENT TO ALTER T CELL RECEPTOR USAGE

**DECLARATION CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(e) and 1.27(d) - NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: University of Vermont and State Agricultural College

ADDRESS OF ORGANIZATION: Burlington, VT 05405

TYPE OF ORGANIZATION:

☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code with regard to the invention entitled USE OF CD40 ENGAGEMENT TO ALTER T CELL RECEPTOR USAGE by inventor, Martha Karen Newell, et al., described in

☒ application serial no 09/470,494, filed December 22, 1999.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

☐ no such person, concern, or organization

☒ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME The Immune Response Corporation

ADDRESS 5935 Darwin Court, Carlsbad, California 92008

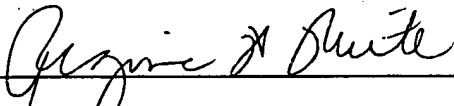
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

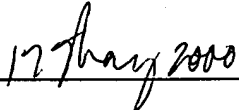
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

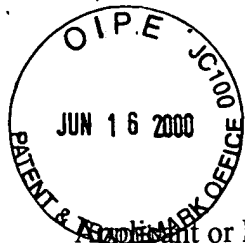
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING : Regina H. White
TITLE IN ORGANIZATION : Director of Office Sponsored Programs
ADDRESS OF PERSON SIGNING: University of Vermont, Burlington, VT 05405


Signature


Date



#4

Attorney's Docket No. I0277/7007 (HK)

Applicant or Patentee: Martha K. Newell, et al.

Serial or Patent No.: 09/470,494

Filed or Issued: December 22, 1999

For: USE OF CD40 ENGAGEMENT TO ALTER T CELL RECEPTOR USAGE

**DECLARATION CLAIMING SMALL ENTITY STATUS
(SMALL BUSINESS CONCERN)**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on
behalf of the concern identified below:

NAME OF CONCERN: The Immune Response Corporation

ADDRESS OF CONCERN: 5935 Darwin Court, Carlsbad, CA 92008

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled USE OF CD40 ENGAGEMENT TO ALTER T CELL RECEPTOR USAGE by inventor(s), Newell, et al., described in

☒ application serial no.09/470,494, filed December 22, 1999

If the rights held by the small business concern are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

- ☐ no such person, concern, or organization
☒ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME University of Vermont and State Agricultural College
ADDRESS Burlington, VT 05405

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Dennis J. Carlo, Ph.D.

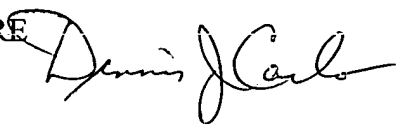
TITLE OF PERSON IF OTHER THAN OWNER:

President & Chief Executive Officer

ADDRESS OF PERSON SIGNING:

5935 Darwin Court
Carlsbad, CA 92008

SIGNATURE



DATE

3/28/02



#3

Attorney Docket No. 10277/7007

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

USE OF CD40 ENGAGEMENT TO ALTER T CELL RECEPTOR USAGE

the specification of which is attached hereto unless the following is checked:

☒ was filed on December 22, 1999, as United States Application No. 09/470,494.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 61.56.

I hereby claim the benefit under Title 35, United States Code, 6119(e) of any United States provisional application(s) listed below:

60/114,106
(Application Number)

December 29, 1998
(Filing date)

(Application Number)

(Filing date)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David Wolf	17,929	Peter J. Gordon	35,164	Robert A. Skrivaneck, Jr.	41,316
George L. Greenfield	17,795	Randy J. Pritsker	35,988	Robert M. Abrahamson	40,886
Stanley Sacks	19,000	Richard F. Glantz	36,149	Ivan D. Zitkovsky	37,482
Edward F. Perlman	28,105	Douglas R. Wolf	36,971	Michele J. Young	43,299
Lawrence M. Green	29,184	Elizabeth A. Plumer	36,637	Edward Russavage	43,069
Steven J. Henry	27,900	Timothy J. Oyar	36,628	Alan B. Sherr	42,147
Therese A. Hendricks	30,389	John M. Anastasi	37,783	John C. Gorecki	38,671
Edward R. Gates	31,616	Helen C. Lockhart	39,248	William G. Coss	27,787
William R. McClellan	29,409	James M. Kanifin, Jr.	38,213	Neil P. Ferraro	39,188
Ronald J. Kransdorf	20,004	Christopher B. Schultz	37,929	Julie A. Baberman	40,906
H. Lawrence Oliverio	30,915	Paul D. Berklin	39,039	Lisa E. Winsor	44,405
Jason M. Moneyman	31,624	John R. Van Amsterdam	40,213	Robert Plotkin	43,861
James H. Morris	34,681	Matthew B. Lowrie	38,228	Joseph Teja, Jr.	P-45,157
Peter C. Lando	34,654	Michael G. Verga	39,410	Alan W. Steele	P-48,128
Gary S. Engelson	35,128	Robert E. Rigby, Jr.	36,904	Jeffrey B. Powers	P-45,021

Address all telephone calls to Helen C. Lockhart at telephone no. (617) 720-3500. Address all correspondence to:

Helen C. Lockhart
c/o Wolf, Greenfield & Sacks, P.C.,
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210-2211

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

439111.1

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Martha K. Newell

6/05/00
Date

Inventor's signature
Full name of sole or first inventor Martha K. Newell
Citizenship US
Residence (City and State, or City and Country for non-U.S. residence)
Colorado Springs, CO
Post Office Address 520 N. Franklin Street, Colorado Springs, CO 80903

Date

Inventor's signature
Full name of second or joint inventor Evan Newell
Citizenship US
Residence (City and State, or City and Country for non-U.S. residence)
Colorado Springs, CO
Post Office Address 520 N. Franklin Street, Colorado Springs, CO 80903

Date

Inventor's signature
Full name of second or joint inventor David Wagner
Citizenship US
Residence (City and State, or City and Country for non-U.S. residence)
Denver Colorado
Post Office Address 1119 Lafayette Street #1, Denver, Colorado 80210

JUN 06 2000 12:53 FR [REDACTED] GREENFIELD&SACKS617 720 2441 TO 504#430277007#1 P:04/08



Attorney Docket No. 10277/7007

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

USE OF CD40 ENGAGEMENT TO ALTER T CELL RECEPTOR USAGE

the specification of which is attached hereto unless the following is checked:

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I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

60/114,106
(Application Number)

December 29, 1998
(filing date)

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Lawrence M. Green	29,384	Elizabeth R. Plumer	36,637	Edward Russavage	43,069
Steven J. Henry	27,900	Timothy J. Oyer	36,628	Alan B. Sherr	42,147
Therese A. Hendricks	30,389	John W. Anastasi	37,765	John C. Gorecki	38,471
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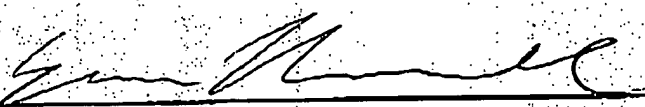
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JUN 06 2000 12:54 FR SELF, GREENFIELD&SACKS617 720 2441 TO 944#4302777007#1 P.05/08

Inventor's signature
Full name of sole or first inventor Martha K. Newell
Citizenship US
Residence (City and State, or City and Country for non-U.S. residence)
Colorado Springs, CO
Post Office Address 520 N. Franklin Street, Colorado Springs, CO 80903

Date



Inventor's signature
Full name of second or joint inventor Evan Newell
Citizenship US
Residence (City and State, or City and Country for non-U.S. residence)
Colorado Springs, CO
Post Office Address 520 N. Franklin Street, Colorado Springs, CO 80903

Date

June, 7, 2000

Inventor's signature
Full name of second or joint inventor David Wagner
Citizenship US
Residence (City and State, or City and Country for non-U.S. residence)
Denver Colorado
Post Office Address 1119 Lafayette Street #7, Denver, Colorado 80218

Date



DECLARATION FOR PATENT APPLICATION

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<u>60/114,106</u>	<u>December 29, 1998</u>
(Application Number)	(filing date)
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Inventor's signature

Date

Full name of sole or first inventor Martha K. Newell

Citizenship US

Residence (City and State, or City and Country for non-U.S. residence)
Colorado Springs, CO

Post Office Address 520 N. Franklin Street, Colorado Springs, CO 80903

Inventor's signature

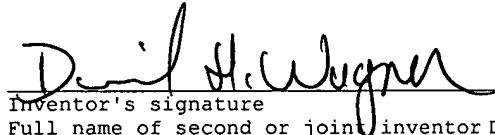
Date

Full name of second or joint inventor Evan Newell

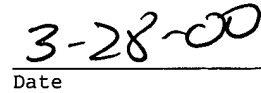
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Colorado Springs, CO

Post Office Address 520 N. Franklin Street, Colorado Springs, CO 80903



Inventor's signature



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